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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,659	09/29/2003	Chun Te Yu	EL-CFP00414	8271

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98 DISCOVERY
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EXAMINER	
GALL, LLOYD A	

ART UNIT	PAPER NUMBER
3673	

MAIL DATE	DELIVERY MODE
10/17/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/671,659	YU ET AL.	
	Examiner	Art Unit	
	Lloyd A. Gall	3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 June 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *13,31 and 34-37* is/are pending in the application.

4a) Of the above claim(s) *31,35 and 36* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *13,34 and 37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 December 2006 and 02 July 2007* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

In response to the amendment filed on June 30, 2008, it is first noted that claims 31, 35 and 36 are regarded as withdrawn from consideration, as they are not drawn to the elected embodiment of Figs. 18-23. See applicant's election filed on February 25, 2005.

Claim 34 is objected to because of the following informalities: In claim 34, line 3, there is no antecedent basis for "said receptacle". Appropriate correction is required.

Claims 13, 34 and 37 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Patent No. 7,370,497. Although the conflicting claims are not identical, they are not patentably distinct from each other because they substantially claim the same subject matter, and the limitations of claims 13, 34 and 37 are found within the patent claims.

Claims 13, 34 and 37 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 of U.S. Patent No. 7,114,356. Although the conflicting claims are not identical, they are not patentably distinct from each other because they substantially claim the same subject matter, and the limitations of claims 13, 34 and 37 are found within the patent claims.

Claims 13, 34 and 37 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 7,100,401. Although the conflicting claims are not identical, they are not patentably

distinct from each other because they substantially claim the same subject matter, and the limitations of claims 13, 34 and 37 are found within the patent claims.

Claims 13, 34 and 37 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Patent No. 7,204,108. Although the conflicting claims are not identical, they are not patentably distinct from each other because they substantially claim the same subject matter, and the limitations of claims 13, 34 and 37 are found within the patent claims.

Claims 13, 34 and 37 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 of copending Application No. 12/073,912. Although the conflicting claims are not identical, they are not patentably distinct from each other because they substantially claim the same subject matter, and the limitations of claims 13, 34 and 37 are found within the claims of the (912) application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 13, 34 and 37 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 2-12, 18, 20, 22 and 26-29 of copending Application No. 11/503,989. Although the conflicting claims are not identical, they are not patentably distinct from each other because they substantially claim the same subject matter, and the limitations of claims 13, 34 and 37 are found within the claims of the (989) application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 13, 34 and 37 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3 and 4-12 of copending Application No. 11/491,258. Although the conflicting claims are not identical, they are not patentably distinct from each other because they substantially claim the same subject matter, and the limitations of claims 13, 34 and 37 are found within the claims of the (258) application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 13, 34 and 37 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16 and 19-24 of copending Application No. 11/272,709. Although the conflicting claims are not identical, they are not patentably distinct from each other because they substantially claim the same subject matter, and the limitations of claims 13, 34 and 37 are found within the claims of the (709) application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct

from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 13, 34 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Loughlin (324).

Loughlin teaches, and relying upon its provisional application 60/470,999, as seen in figs. 5a and 5b, a padlock having a lock body 12, a shackle longer arm 18, a shackle shorter arm 20 rotatable about the shackle longer arm, a block 32 including a rotatable engaging portion disposed outside the lock body and including a top receptacle and a

gap 34. As disclosed in paragraph [0137], the block 32 is positioned above a key cylinder, and the block 32 is connected to the key cylinder with connecting elements (paragraph [0137], line 7). At least a portion of the connecting elements are regarded as being a mounting portion for the engaging portion 32 of Loughlin.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 13, 34 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Louhghlin (324) in view of Fleming et al (866).

Loughlin teaches, and relying upon its provisional application 60/470,999, as seen in figs. 5a and 5b, a padlock having a lock body 12, a shackle longer arm 18, a shackle shorter arm 20 rotatable about the shackle longer arm, a block 32 including a rotatable engaging portion disposed outside the lock body and including a top receptacle and a gap 34. As disclosed in paragraph [0137], the block 32 is positioned above a key cylinder, and the block 32 is connected to the key cylinder with connecting elements (paragraph [0137], line 7). As seen in figs. 14-18, Fleming teaches a well known connection between a key cylinder 95 and engaging portion 89, including a mounting portion 88 received within a lock body 84 and including a slot to receive a connecting element 87 of the key cylinder. It would have been obvious to modify the connecting elements of Loughlin to include a mounting potion integral with the engaging portion 32

and within the lock body 12, to receive a connection element of the key cylinder, in view of the teaching of Fleming et al, to provide expected locking and unlocking results.

Applicant's arguments filed June 30, 2008 have been fully considered but they are not persuasive. In response to applicant's REMARKS on page 7, lines 15-22, it is submitted that the provisional application (331) of applicant does not provide support for the claimed subject matter, including the limitations of claim 13, lines 11-21 and claim 37, lines 6-12, and it is not clear how the lock of the (331) application functions.

In response to applicant's remarks on page 8, line 12, it is noted that the Figs. 13-17 is a non-elected embodiment, as set forth above.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lloyd A. Gall/
Primary Examiner, Art Unit 3673

/L. A. G./
Primary Examiner, Art Unit 3673
October 14, 2008